

**WALDO COUNTY COMMISSIONERS COURT SESSION
(SPECIAL SESSION)
MAY 29, 2009**

PRESENT: Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey. Also present was Sheriff Scott Story, Jail Administrator Jason Trundy, Treasurer David Parkman and County Clerk Barbara L. Arseneau.

Commissioner Berry opened the court session at 10:02 a.m.

JAIL MISSION CHANGE RFP UPDATE:

Present for this report was Sheriff Scott Story, Jail Administrator Jason Trundy, Treasurer David Parkman, and Technology Consultant James Arseneau.

A. Fowler asked a few questions of Sheriff Story, including who handles hiring and firing employees and employee management. S. Story assured Commissioner Fowler that any outside organization hired to perform work at the Jail facility would manage their own employees, and the Commissioners would still be responsible for County employees.

D. Parkman reported that there had been a question before about Jail money that had not been spent before the end of the year. As he understood it, any money left over at the end of June is going to remain as County money. It would need to be put in an account for Jail use only. Part of the question had been related to technology funds for next year. D. Parkman reported \$556,122.00 in the Jail budget. With one more month left to go, he anticipated that some additional funds will be expended, and there may be additional costs for transporting inmates out of the facility.

S. Story remarked that the question is what will happen to Boarding when the inmates go. He stated that the BOC feels that all boarding costs go away. For example if Two Bridges Jail incurs a cost of \$500,000.00 for taking on Waldo's inmates, the BOC writes a check out for that. S. Story commented that this would really eliminate the profiteering within the system. It will only be about \$20.00 per day per inmate for another Jail to take them on. There will be some expenditure in June to transport the inmates, but even so, it may not occur until July, depending on when decisions are made regarding the Jail mission change.

W. Shorey prefaced his comments by saying that he has been "harping on" this matter a few months before and wondered why the County could not charge off about \$40,000.00 for these services for the sake of book-keeping. He commented that every day the County would be paying for treasurer's services, H.R. services, etc. and felt those services should be charged to the Jail expenses. D. Parkman felt that would be appropriate, but cautioned that there would be money needed for remodeling the Jail to make it a "dormitory instead of a Jail," and money needs to be put back into the reserve for upcoming technology expenditures. He commented that it is really up to the Commissioners to figure out the funding matters.

W. Shorey asked where the money would be coming from to fund the remodeling of this Jail. D. Parkman said he wasn't sure – he didn't know if it could come from the Future Land and Buildings Reserve, but felt that really didn't apply. W. Shorey wondered why Augusta wouldn't pay for it. S. Story said that this mission change was his doing; Augusta didn't tell the County it would be a re-entry

facility but had told them it would downsize to a 72-hour-hold. Had the County of Waldo just sat back – and he noted that they didn't *have* to do this re-entry program – at \$700,000.00 to \$800,000.00 less – he went forward and proposed with his team that the County could serve as a re-entry system and keep the money in Waldo County. The State didn't dictate that this was the function the Jail would serve as [a reentry facility] and this is why he had been proposing this and discussing this with the Commissioners.

Amy Fowler commented that this had made Waldo County more attractive.

W. Shorey said he understood but felt that “the reality is that the County of Waldo is being pretty good to the State.” S. Story said he wouldn't argue that, but that it should be noted that the State didn't say that they would prefer to just take the \$700,000.00 and use it elsewhere and make Waldo County serve as a 72-hour-hold. He stated that the reality is there just isn't any money in the BOC to make this change. He felt that the “own-ness” was on the County. He said he felt that the two choices were to just give money to the BOC for use in other counties, or to put some funding in to keep jobs and business here in Waldo County. “The positive spin-off is that we keep some of Waldo County money in Waldo County,” he noted.

W. Shorey said he wouldn't feel very guilty about keeping every single penny from unspent funds. He thought the County would be lucky if they had enough funds.

S. Story recognized that there was differentiation regarding how the mission change was funded. He reiterated that any stipulations made by the State that resulted in savings would mean that the saved money would go back to the BOC.

D. Parkman explained that the pool of money could be spent in other departments, but there isn't a whole lot when technology is considered, when there should be at least about \$50,000.00 in the account for July 1, 2009. He noted that “\$400,000.00 to \$500,000.00 can be spent awful fast.” He commented that the County was “kind of fortunate” with the pool of money that it will likely have.

W. Shorey commented that, with starting out this new venture, he thought it would be best if the County wasn't stripped right down to the bare minimum to start this new mission out. S. Story said it wasn't “bare minimum, but also wasn't a big fat pig dragging its belly.” He commented that specific functions have been budgeted as if the County were doing it themselves. Some pieces will be shared with the vendor – with caution. He hoped the savings incurred from boarding out inmates would be offset by savings on the re-entry side. “There really isn't a solid methodology to figure this out in advance. It is hard to do homework for accuracy,” he explained. S. Story said he hoped there was enough funding in there and thought a little more could be added to it, but felt that he needed to be able to justify actual expenses budgeted.

W. Shorey asked what would happen if the Treasurer told the Commissioners that there was certain money needed for technology or something and wondered if about \$25,000.00 should be set aside in a contingency fund for whatever unexpected issue may come up. D. Berry felt that this was the benefit of money saved by the County remaining with the County.

S. Story explained that of the funds earmarked for the Jail Mission Change consultant, about \$2,000.00 has been spent at this point. He did not believe the renovations would be “huge sums of

money,” and noted that the Facilities Manager has “gone out with an extremely sharp pencil and factored free labor by inmates” so that it is estimated at about \$12,000.00. The Technology piece will be discussed. S. Story commented that they are trying to be as frugal as possible. He hoped that enough funds would be leftover to retain money for any unknown expenditures that may come up.

D. Berry asked for discussion on the RFP. S. Story explained that there was a meeting between the Facilities Manager, the Technology Consultant, and Commissioner Berry, among others, and there had been a general line-by-line review of the proposal. There were some things that they did not go through, regarding organizational points. He commented that it is a somewhat “wieldy” document. Some statute language had been modified and corrected. He remarked that this was not a contract, but a request for proposals. When a contract was proposed, he felt that this was when legal counsel would be needed. He further noted that the only addition to the document would be a blank budget form to be attached so specific numbers would be documented and another attachment of the price sheet, which actually was already included on page 28 of the document.

D. Berry commented that the time schedule on page 5, if approved today, would go out on June 12th and there was a procedure of times and site visits that would need to be followed. S. Story stated that he did not know if legal counsel should be involved before or after a selection had been made. D. Berry commented that a page break should be put between 1.03 and 1.04.

****W. Shorey moved, A. Fowler seconded approving the RFP as presented.** Discussion: D. Berry commented that he felt that this was a very good effort on the part of the Sheriff and his team. **Passed unanimously.**

D. Parkman stated that \$2.8 million would have to be paid by the end of the year. He didn’t know what the Commissioners would be proposing, but the County is “flush with money” at the end of November and beginning of December. The extra balance on the \$2.8 million has to be paid. There was brief discussion of when this must be paid. D. Parkman said the County was operating on borrowed money right now and if money could be set aside so borrowing would not have to occur as soon as possible, with resulting interest payments, that this would be best. S. Story asked for clarification. D. Parkman explained that the cash flow is good in December, so he recommended funds be set aside so that at the beginning of the Jail budget year the following July, the County would not have to borrow funds as early in the year. S. Story thought that this made sense to set it aside.

****A. Fowler moved, W. Shorey seconded accepting the title of “Maine Coastal Regional Reentry Center” to be submitted as the official name of this project. Passed Unanimously.**

S. Story said there would be a public hearing scheduled on June 24, 2009 for the Mission Change, and the Waldo County Criminal Justice Coordinating Committee will be involved. Many in the public have expressed concerns over the mission changes; who would be coming and going from this Jail, etc. and that this would not be done without advisement, while acknowledging that the Jail had jurisdiction over who would be housed there. He advised that these changes would be happening very, very quickly. He commented about the involvement and assistance by his staff, including staff members who may not have a job in the near future.

D. Berry asked S. Story to review the budget. The yellow line on the submitted document is the County’s proposal. S. Story went down through the budget line by line. He commented that there

should only be one transport officer, not plural. Stipends have been reduced to three from the number before. Many were pertinent to a full-service facility and others would be going to staff that would have more time to do them. He listed the ones that would remain. On overtime, it was calculated on vacation, sick and comp time replacement as well as transportation overtime and training and academy replacement costs for a total of \$589,548.00. S. Story briefly discussed the part-time calculation.

S. Story said that fringe benefits were based on formulas and calculations that came from the Commissioners/Treasurer's Offices. The total was \$932,244.00. Unemployment and Service Provider have been moved to the proper lines. \$625,000.00 has been budgeted for a service provider. Vehicles have been budgeted at \$30,327.00. S. Story stated that this was challenging to calculate with fluctuating fuel prices. He showed the Commissioners submissions by the Facilities Manager and commented that he was doing an "awesome" job. He added that they could not have put this budget together without assistance by Facilities Manager, the Deputy Treasurer and the Technology Consultant.

Telephone lines were discussed. J. Arseneau informed the Commissioners that an additional line needs to be added for the program provider and phone lines need to be installed for the attorneys to use for video conferencing.

Under the computer budget, line 4675, J. Arseneau stated that this was for Spillman CAD and remote access annual maintenance and licenses, including other licenses for firewalls, etc. The CTI contract was a specific number.

Liability insurance was discussed. When A. Fowler asked why it was reduced from the original figure, S. Story said he had obtained that information from the Commissioners Office. B. Arseneau stated that she had obtained the original number directly from Malcolm Ulmer at MCCA, and that her recollection was that in a telephone conversation with the Sheriff, he had said he had obtained a different number from Malcolm Ulmer based on reduced staff. S. Story said he did not recall that conversation. After brief discussion, J. Trundy thought he had spoken with Karen Trussell or someone from the Commissioners Office, who had talked with Malcolm Ulmer to get an adjusted figure. B. Arseneau explained that the original liability insurance quote for the first budget prepared for the Correctional Facility had been obtained from M. Ulmer by her, but that this reduced figure had not been obtained by the Commissioners Office staff. She stated that she had not been aware that there were changes to the budget for reduced staff until the Deputy Treasurer pointed them out to her.

D. Parkman briefly discussed the expense related to interest on borrowing money. He commented that the hope is that it will be lower now and this will be a way to reduce the budget in a following year.

S. Story commented that the additional pieces for Jail accounting performed at the Treasurer's Office would be funded from this budget.

There was discussion about medical treatment in terms of what would likely be needed or not needed in view of the change in the type of inmates that would be housed in the facility. It was generally agreed that this was a "best guess" at this point. S. Story reminded the Commissioners that any additional costs to this budget, including unplanned major medical issues, could not come from the Waldo County taxpayers. It would need to be addressed with the BOC.

Uniforms were discussed. S. Story said that the amount budgeted for inmates should be fine as these inmates will be in civilian clothing when they go out for their daily jobs, etc. The pay phone and canteen will be used for civilian clothes, in addition to those supplied by the inmate's family. S. Story said he was not going to budget for civilian clothes for inmates.

S. Story noted that the Facilities Manager had put together a good plan for setting aside funds for scheduled repairs to the building and its systems.

Audio system upgrades were discussed. J. Arseneau explained that there should be \$1,375.00 under line 7310. S. Story commented that it was a great system that the Commissioners had established for putting money aside each year so that technology can be replaced every five years or so.

S. Story pointed out that the total he was proposing for this entire budget was going to be a little higher than the initial submission to the BOC. He added that the difference between the Cap and the amount saved would be about \$897,581.00, which would be going back to the BOC.

J. Arseneau asked about the figure for security and mentioned that there is a contract component that will likely go up. There will be yearly costs for the "Man Down" notification system to consider, as well.

Video Conferencing costs were discussed. J. Arseneau cautioned the Commissioners that it is not known if the Jail can go on the State's contract. There was some discussion of why that number had been reduced below the 4 hours per week that J. Arseneau had budgeted. S. Story explained the reasons why this had been reduced. J. Arseneau asked if \$1,650.00 was in those figures. S. Story said he had not seen this in the recent figures he asked for. J. Arseneau explained that this had been in the original figures supplied for the original budget. J. Arseneau expressed his concern that the one hour per week that S. Story had figured rather than the four hours per week might be too low. He explained that Sgt. Walker had found that this was getting used more recently but there was no record of that. S. Story commented that it was cheaper to run the inmates to the courthouse and use the court system and felt that there would not be as much need in view of the inmate population type that would be in the Jail. A. Fowler agreed that this system would not need to be used as much. J. Arseneau expressed concern that there was a disadvantage in not having a history to go by and that this was really an unknown budget guess. He thought the figures needed to be adjusted. This was followed by more discussion and mathematical equations being tallied. There was discussion of where the cell phone bill was funded from, as well. K. Trussell quickly reviewed invoices and reported that the cell phones had been paid by the Sheriff's Patrol budget. Figures were calculated and changed so that it reflected anticipated costs as noted.

W. Shorey asked if the State would likely pass this budget and asked how close S. Story thought it would be in passing it. S. Story responded that they "may push him a little" over the \$30,000.00 extra, but because this was still under the Cap, he was not overly concerned.

W. Shorey thought there should be at least \$40,000.00 more in for staff time at the Commissioners and Treasurer's offices. S. Story said he realized that this was the Commissioners budget and the Commissioners could certainly propose what they felt they should and he would go before the State and argue to the best of his ability. W. Shorey said that he felt that \$30,000.00 to \$40,000.00 should be proposed and if the State cut it, so be it, but he felt that it needed to be requested so that when it

comes up again, there was a history that it had been requested before. He felt that something should be returned to the County for the work being done by that staff. He felt that the case needed to be made that this money should be funded. He wondered what the other commissioners felt about this.

A. Fowler said she would agree to the argument but felt that it would be cut right away because it was agreed upon up front that the costs for Treasurers and H.R. would not be counted. W. Shorey felt strongly that there should be still be a case made in the future. D. Berry said that he felt his integrity was on the line as well. He stated that it was an obligation to put forth things in the legislature, when he was there that even if he didn't agree with the legislation. S. Story discussed the "litmus test" for Jail budgets and that the argument was made the budget would only include positions that, if the Jail went away, those positions would go away. "Would the Treasurer's position go away? No. The Payroll Clerk? No. The County Clerk? No." S. Story stated. W. Shorey said that he had a concern for the taxpayers of Waldo County paying for these services out of the County budget for the Jail.

D. Berry spoke to W. Shorey and said, "I also have great concern for the taxpayers of Waldo County!"

W. Shorey explained that he did not mean to imply that the other Commissioners did not. D. Berry said he would support the motion to add \$30,000.00, but wanted it to be understood that the Commissioners do care and was concerned that it would seem as though they did not. He said that this was discussed earlier, the Counties had made their statements about the costs, but that it had generally been accepted that these costs would not be allowed. He felt that the State would look at this request and would likely not accept it and he felt that would be perceived negatively.

A. Fowler agreed that she understood why the request would be made, but added that if the motion were made, she would "vote it down."

****W. Shorey moved, A. Fowler seconded to add a line in the Jail budget for Treasurer and Payroll Director to have \$15,000.00 added for each.** Discussion. A. Fowler said she felt that she could not agree with this. W. Shorey felt that as a newcomer, he needed to speak his mind and should be able to express his concerns and his viewpoints as well. **Passed by two. (A. Fowler opposed.)**

S. Story said he would take this request before the BOC and would welcome any support that he could have from the Commissioners.

\$1,964,755.00 was the new total for that budget.

****W. Shorey moved, A. Fowler seconded approving the submission of this budget in the total of \$1,964,755.00. Passed unanimously.**

D. Parkman said he had recently visited Oxford and Franklin County, both of whom will be changing over to a 72-hour holding facility. He had also heard from one of them that they planned to change to a fiscal year like the towns and the State. D. Parkman said that the way things are run now in Waldo County; the towns know in February roughly what the County tax assessment will be. He recommended that a good many more towns change to a fiscal year before the County attempted to change to a fiscal year. He felt that this should go "from the bottom up."

It was noted that the meeting to discuss this will be held June 24, 2009.

S. Story submitted pages 7 and 37 of the Personnel Policy, particularly 3.3.1, that this would be enforced more strongly at the Jail. Under 8.4.1, traditionally comp time has been given. The employer could let the employee choose, but still reserved the right to give it or not. In the Jail, likely the right to pay over-time rather than allow comp time to be given would work better. S. Story emphasized that this is not a change in policy but rather the exercising of the provision for the employer to choose whether it will be comp time or paid overtime.

JOB DESCRIPTION CHANGES:

J. Trundy explained the changes in the Corrections Corporal and Corrections Officer positions. He explained the scheduling changes and in particular the “flex position” and what that entailed. A paragraph also included that instead of stipends, there would be assignments distributed among the employees.

****A. Fowler moved, W. Shorey seconded to accept the changes in the Job Descriptions for the Corrections Corporal and Corrections Officer positions as presented. Unanimous.**

SHIFT CHANGES:

S. Story said that they have elected to stay with the four corporals as it is the simplest way to run things. Now there will be four shifts. Each will want a shift, with the least desirable being nights. Seniority has been used to determine vacation, etc. He noted that the problem is that seniority is being interpreted two different ways. J. Trundy said that it is a discussion about the definition of “classification.” He illustrated with the difference between departments, such as Dispatch and Corrections. He noted that some of the Corporals feel that classification means within that own department. J. Trundy asked if it is in the department or in the rank. S. Story said they wished to be fair but just don’t know where to call this. One corporal has been working 17 years, but was only recently made corporal. J. Trundy said he felt the only really fair way to do this was to split the weekend in half. It was generally acknowledged that no matter what decision is made, someone will be unhappy. J. Trundy said that he and the Sheriff wanted to be as flexible and reasonable as possible.

D. Berry read from the personnel policy at 4.10 on page 12 under Seniority. He noted that it said, “each department under their supervision.” D. Berry felt that it was by department. Then he read on page 13, the additional portion on. S. Story said this has been stated in the policy that seniority is used for vacation, etc. but does not spell out “shift bids.” W. Shorey reminded S. Story that the Commissioners are working on the Personnel Policy and invited the Sheriff to give some consideration to this for inclusion in the Personnel Policy. S. Story said this may not even become an issue, but wanted to bring up the ambiguities to the Commissioners for advance thought.

D. Berry commented that seniority was based on everyone in the system, not which department they taught in or even which school they went to in the same district.

PURCHASING FOR MISSION CHANGES:

S. Story reported that the Facilities Manager has provided a figure of \$12,000.00. S. Story said it would be about \$6,000.00 for bunk beds and about \$600.00 for dressers. There was concern over how much wood is added to the facility as it adds to the “fire load.” S. Story said that he was guessing it would be about \$15,000.00 on his end and the \$12,000.00 for Facilities, so it would be close to \$30,000.00. He also referred to J. Arseneau’s email dated May 29, 2009 with figure changes. He read

the section under Video Conferencing. S. Story said that video conferencing will be needed no matter what, so even "if this all went to pieces," it would not matter. S. Story added the figures and asked for authorization to spend about \$40,700.00 to start this project. W. Shorey thought it should be rounded up for incidentals.

****W. Shorey moved, A. Fowler seconded to authorize \$50,000.00 to be expended from the Future County Land and Buildings reserve to start remodeling, furnishing and technology changes, including video conference equipment. Unanimous.**

The Commissioners commended the Sheriff and Jail Administrator for their hard work in putting this budget together. S. Story commended his staff, including Sgt. Bobby Walker, and also commended J. Arseneau and K. Nealley for their input, as he acknowledged that it involved more than one person to do this budget now.

****A. Fowler moved, W. Shorey seconded entering Executive Session for a personnel/legal matter according to M.R.S.A. Title 1, § 401 (D) at 12:22 p.m. Unanimous.**

****A. Fowler moved, W. Shorey seconded to exit Executive Session at 12:27 a.m. Unanimous.**

The Commissioners took no action.

NEXT COURT SESSION:

The next regularly scheduled Commissioners Court Session will be June 15, 2009, unless there are any emergencies requiring a session.

****W. Shorey moved, D. Berry seconded to adjourn the meeting at 11:20 a.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk